

PATENT APPLICATION

Attorney Docket No. 03485.0004.NBJS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED**
CENTRAL FAX CENTER**SEP 08 2004****APPLICANT(S):** HOLGERSSON, Mats**SERIAL NO.:** 10/065,324**GROUP ART UNIT:** 3721**FILED:** 10/03/2002**EXAMINER:** WEEKS, Gloria**ENTITLED:** CONTROL DEVICE FOR A DRIVE MOTOR IN A STAPLER**MAIL STOP PETITION**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**(Via Facsimile: 703.308.6916)****PETITION TO WITHDRAW HOLDING OF ABANDONMENT**
OR ALTERNATIVELY
PETITION TO REVIVE UNINTENTIONAL ABANDONMENT

In a Notice of Abandonment dated 26 August 2004, the Office confirms that Applicant's Reply (copy attached) was received 17 June 2004, but alleges that it was deemed improper for lack of fees for extension of time, and that the undersigned was unavailable for further correspondence. As background, it should be appreciated that the undersigned attorney filed a Change of Correspondence after submission of the Reply, and that the USPTO has since adapted that address to that which is reflected in the Notice of Abandonment; the undersigned attorney confirms that address for future correspondence. A telephone conversation was had this morning with Examiner Weeks in this regard, and it was agreed that the current action was required since the Notice of Abandonment had been issued.

With respect to the grounds cited in support of the issuance of the Notice of Abandonment, the Office's attention is respectfully directed to the last page of the Reply, where, in the top two paragraphs, Applicant states the following:

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

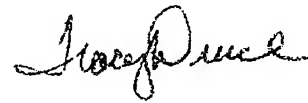
The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 03485.0004.NPUS00.

It is respectfully asserted that this constitutes a proper Extension of Time according to MPEP § 710.02(e) in that the request was timely made (in this case, explicitly), and authorization was provided for deposit account payment. Therefore, it is respectfully asserted that the Notice of Abandonment was incorrectly issued, and should be withdrawn.

Alternatively, out of an abundance of caution, a Petition to Revive for Unintentional Abandonment is attached in the event that the USPTO determines that a withdrawal of the abandonment is not proper, and that such a petition is required.

Respectfully Submitted,

NOVAK DRUCE LLP
1615 L Street, NW, Suite 850
Washington, DC 20036
Phone 202.293.7333
Fax 202.318.7811



Tracy W. Druce
Attorney for Applicants
Reg. No. 35,493

RECEIVED
CENTRAL FAX CENTER
SEP 08 2004

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
03485.0004.NPUS00

First named inventor: HOLGERSSON

Application No.: 10/065,324

Art Unit: 3721

Filed: 10/03/2002

Examiner: WEEKS, Gloria

Title: CONTROL DEVICE FOR A DRIVE MOTOR IN A STAPLER

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Response to Non-Final Action (identify type of reply):

☒ has been filed previously on 17 June 2004.

☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (08-03)

Approved for use 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

08 September 2004

Date

Telephone
Number:

202.293.7333



Signature

Tracy W. Druce

Typed or printed name

1615 L Street, N.W. - Suite 850

Address

Washington, D.C. 20036

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Petition To Withdraw Holding of Abandonment Or Alternatively Petition To...

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

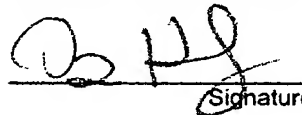
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

08 September 2004

Date



Signature

Daniel Hernandez

Type or printed name of person signing certificate

{Page 2 of 2}